

UNITED STATES DEPARTMENT OF JUSTICE
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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

MSAMN CORP.

CASE NUMBER: 17-23126 CMB

CHAPTER 11

DEBTOR.

Doc. No.

UNITED STATES TRUSTEE,

MOVANT,

v.

MSAMN CORP.,

RESPONDENT.

CONSENT MOTION FOR APPOINTMENT OF CHAPTER 11 TRUSTEE

TO THE HONORABLE CARLOTA M. BÖHM
UNITED STATES BANKRUPTCY COURT:

COMES NOW, THE UNITED STATES TRUSTEE through his undersigned counsel, who respectfully files this Consent Motion for Appointment of Chapter 11 Trustee and represents as follows:

1. MSAMN Corp. (“Debtor”) filed a voluntary petition under chapter 11 of the United States Bankruptcy Code on August 3, 2017. There has not been a general unsecured creditors committee appointed in this case (Doc. No. 19).

2. On January 4, 2018, this Honorable Court held a Status Conference in this case wherein the Court raised questions about the Monthly Operating Reports. The Status Conference was continued to January 30 wherein the Court would consider conversion to chapter 7 or appointment of a chapter 11 trustee. *See* Proceeding Memo at Doc. No. 49.

3. On January 30, 2018, a Status Conference was held wherein questions were raised about the ownership of real property of the debtor and questions about post-petition expenses paid by the Debtor’s principal. The Court scheduled an evidentiary hearing for February 26, 2018. *See* Proceeding Memo at Doc. No. 55.

4. The Court held an evidentiary hearing on February 26, 2018 and continued the matter to April 3, 2018 where the Court would consider converting the case to Chapter 7 or appointment of a chapter 11 trustee. The Debtor was also directed to file a chapter 11 plan and disclosure statement in one week.

5. In consideration of what is in the best interest of the creditors under 11 U.S.C. § 1104(a)(2), the Debtor consents to the appointment of a chapter 11 trustee without further hearing.

6. The parties ask the Court to cancel the hearing on April 3, 2018 and to continue the requirement of filing a chapter 11 plan and disclosure statement to a time convenient to the Court and a chapter 11 trustee.

WHEREFORE, the United States Trustee and the Debtor respectfully ask this Honorable Court to enter an Order Directing the United States Trustee to Appoint a Chapter 11 trustee pursuant to 11 U.S.C. § 1104, cancel the hearing scheduled for April 3, 2018, and cancel the Court's Order for the Debtor to file a chapter 11 plan and disclosure statement within one week.

Respectfully Submitted,

ANDREW R. VARA
ACTING UNITED STATES TRUSTEE

Dated: March 2, 2018

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